

April 16, 2010

Mr. Bud Prast  
People in Need of Environmental Safety

*Exemption 6*

Subject: People In Need Of Environmental Safety  
Pines Groundwater Plume Site  
Second TAP Agreement Expected Budget

Dear Bud:

Pursuant to the recent statement by Mr. Dan Sullivan of NIPSCO that additional funding of the TAP Agreement is now available for future work, Geo-Hydro, Inc. has prepared the following scope of work for the next \$50,000 TAP authorization.

PINES has recently heard from Region 5 of the USEPA via Tim Drexler in writing or verbally that the agency would like PINES to continue to participate in the review process in a manner analogous to, if not necessarily as detailed as, it has previously with the RI Report, with the recognition that the final level of such participation can't fully be predicted.

Last June 2, Mr. Drexler, in an email to Larry Silvestri, asked PINES, "Pursuant to the terms of the Technical Assistance Plan, please resume sending the bills or invoices P.I.N.E.S. receives for costs incurred by technical advisors to help interpret Pines Site Remedial Investigation/Feasibility Study documents through the issuance of the Record of Decision." In consequence to that directive, PINES again authorized our reviewing the RI Report and providing comments, which we began immediately. There was no dollar amount associated with the TAP addendum itself and no mention of a limit by USEPA in Mr. Drexler's email.

By September 25, a supplemental authorization for the TAP was set at \$50,000. As you may recall, at the October 22 meeting we attended with EPA, Mr. Drexler was specifically asked if the \$50,000 was to be taken as a limit or a step along the way. We recalled, as PINES did in its minutes of the meeting, that his response was that you couldn't predict how a Superfund project will finally play out, and we'd have to be flexible. You may also recall Mr. Drexler suggested that PINES earmark \$30,000 of this \$50,000 solely for review of the Risk Assessments, with much of the remainder

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focused on communications efforts with the public. No mention was made at this meeting of the supplemental \$50,000 being required to cover other tasks in progress such as the renewed review and comment by PINES on the revisions to the RI Report and the groundwater model requested by USEPA in June or the need to reserve funds for the feasibility study or the record of decision.

In contrast, Dan Sullivan has repeatedly represented to PINES that this second \$50,000 TAP authorization must carry PINES through completion of the Record of Decision for the Pines Groundwater Plume Site. For example, in his email of December 21, 2009 to Paul Kysel, Mr. Sullivan reiterated his expectations regarding the efforts that were anticipated be completed with this TAP authorization, "...and provide a budget for each task, such that the remaining budget will address the risk assessment, feasibility study, through the record of decision stage of the project."

Today, Mr. Drexler indicated in our conference call that only a work plan through the end of the process and within the \$50,000 supplemental authorization could be approved. Consistent with that indication, we developed a work plan that will stretch this supplemental authorization for the remaining tasks through the end of the record of decision. To accomplish this, however, the work plan reduces PINES' participation for the remainder of the process. The work plan necessarily reduces PINES' level of participation from here on out. Whereas, for the RI, PINES was able to participate in the review and influence the content of the products produced by the PRPs, this budget allows only a work plan that reviews those documents in final form and assists PINES' with conveying their meaning to the public.

The following work plan applies this supplemental authorization only to work yet to be performed; the supplemental authorization contains only enough funds for that effort at the reduced level of participation by PINES. The budget for this work plan leaves unaddressed the TAP review and comment work GHI did for PINES' full participation subsequent to the exhaustion of the initial authorization of \$50,000 and before the TAP amendment was signed. It also leaves unaddressed the TAP work GHI did for PINES' full participation subsequent to Region 5's direction to PINES in June to restart its review and comment upon RI and subsequent documents and before an approval of a work plan and budget. Thus, approval of this work plan and budget will not resolve or even address recompense of PINES' contribution between July 2008 and today.

The involvement by PINES as a reviewer and commenter through the site investigation process to this point has clearly had a significant and positive contribution to this point. There is every reason, if given the opportunity (budget), PINES would provide a comparable contribution to the risk assessments, feasibility study, and record of decision. However, this budget demonstrates that PINES continued full participation is not possible under the limits imposed by the PRPs and confirmed by Mr. Drexler today.

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GHI is prepared, on behalf of PINES, to initiate work on Task 1 as soon as PINES receives approval of this supplemental TAP authorization.

Sincerely,



Geo-Hydro, Inc.



Geo-Hydro, Inc

Cc; Mr. Paul Kysel

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## **Pines Alternative Superfund Site TAP Work Plan and Budget Through Record Of Decision**

The work plan developed assumes that this supplemental \$50,000 TAP authorization must cover activities of the PINES group and GHI support from the Risk Assessment (RA), through the Feasibility Study (FS) and Record of Decision (ROD). Funding for PINES to organize and hold public meetings, produce and disseminate materials to update, inform and educate the public, including the use of mechanisms such as a website, will require on the order of \$5,000 of the authorization. A total of \$45,000 could therefore be expected to be available for technical support in the form of review of final documents, comment preparation and assisting PINES with its public presentation of documents and explanation of their import to the affected community and environment. The remaining \$45,000 would have to support review and translation of all documents through the ROD to a level of understanding appropriate to the general public.

In order to make the \$45,000 extend through the process, PINES level of participation in the process will necessarily be reduced from current levels. GHI will not be able to review, nor provide comments to EPA on, the draft documents under this budget scenario. Our review would necessarily have to be restricted to final EPA-approved documents to make the budget extend through the remaining Superfund process. GHI will be able to review final EPA-approved documents, identify technical details, and explain the implications thereof to PINES for dissemination to the general public by means of appropriate use of public meetings, new media, internet distributions, etc. PINES will necessarily be eliminated as a participating partner with influence in the Alternative Superfund development process and function, but rather, review and critique the final documents after-the-fact.

The primary work elements to be completed with funding from the second TAP authorization are expected to be:

- Task 1: Review and Comment on the Final Human Health Risk Assessment to PINES
- Task 2: Review and Comment on the Final Feasibility Study to PINES
- Task 3: Review and Comment on the Final Record of Decision to PINES
- Task 4: Communicate Review Results and Comments to PINES and the Public

### *Task 1: Review and Comment on the Final Human Health Risk Assessment*

The Final Human Health Risk Assessment will be reviewed by PINES Technical Advisors, Geo-Hydro, Inc. (GHI). The initial activity in this task will be to have the Project Toxicologist do a cursory review of previous project documentation including the Site Management Strategy document; the Remedial Investigation, and the Risk Assessment Workplan. The Project Toxicologist will then be briefed on project activities to date including the Remedial Investigation,

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its history and limitations; the aborted groundwater modeling effort and its implications; and other relevant project history. We estimate that 32 hours or \$4,000 of effort will be required for this subtask.

The Final Human Health Risk Assessment will then be reviewed with respect to standard practices and assumptions. Comments provided to PINES will cover the approach, results, and conclusions of the final document and its implications for the public. Some calculations will be spot-checked for accuracy. It is noted that the appendices of the Draft Risk Assessment include many substantive evaluations, discussions, data sets, and calculations that will require detailed review. Independent of the Risk Assessment Work Plan (which is now included as Appendix G), the Final Risk Assessment (including table, figures and appendices) will probably be in the vicinity of 1100 pages in length. Assuming a normal review and commenting rate of about 6 pages per hour on a new document, we expect that document review and commenting will require approximately 183 hours or approximately \$22,875.

The total estimated cost to orient the Project Toxicologist on the project, review the document, interpret the document for PINES, and prepare comments for use by PINES is estimated to be \$26,875.

## *Task 2: Review and Comment on the Final Feasibility Study to PINES*

The Final Human Health Risk Assessment will be reviewed by GHI with respect to the range of remedial options included, and their long-term effectiveness, implementability and cost assumptions. GHI will discuss and explain the range of remedial options with PINES to help its members to understand the potential benefits, trade-offs, and implications of the various options. PINES will then be in a position to inform the public through public meetings and/or the media about the remedial options, collect public input on acceptance of the various options, and provide feedback to the agency.

Assuming that the Final Feasibility Study (including table, figures and appendices) will be in the vicinity of 500 pages in length and a normal review and commenting rate of about 6 pages per hour on a new document, we expect that document review and commenting will require approximately 83 hours or approximately \$10,375.

## *Task 3: Review and Comment on the Final Record of Decision to PINES*

The Final Record of Decision will be reviewed by GHI for explanation to PINES. GHI will summarize the EPA's selected remedy and highlight for PINES the benefits and/or unaddressed issues of the decision. PINES will then be in a position to inform the general public about the merits

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and issues related to the decision. We estimate that review and summarization of the Record of Decision will take approximately 4 days or \$4,000.

*Task 4: Communicate Review Results and Comments to PINES and the Public*

Approximately \$3750 of the project budget of \$45,000 is reserved to be available to support GHI participation in conference calls and meetings with PINES and the Public.

NOTE. This work plan is entirely forward-looking. It provides no funds be dispersed toward the unpaid review and comment work performed between the exhaustion of the initial \$50,000 TAP funds and the TAP amendment and it provides no funds be dispersed toward payment of the work performed subsequent to the June 2, 2009 directive to PINES to again begin review and comment on site investigation documents. The current supplemental TAP authorization provides no surplus funds to address those efforts.